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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,686	09/04/2001	Martha Torrey O' Connor	05222.00157	2969

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EXAMINER

MOSSER, KATHLEEN MICHELE

ART UNIT PAPER NUMBER

3713

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,686

Applicant(s)

O' CONNOR ET AL.

Examiner

Kathleen Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

In response to the amendment and Request for Continued Examination filed 07/12/2005, claims 1-30 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/12/2005 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the presentation" in line 5. There is insufficient antecedent basis for this limitation in the claim. Claims 1 and 10 recite the limitation "the hierarchy and usage history". Although there is antecedent basis for the hierarchy, the claims lacks antecedent basis for the usage history. Further it is unclear what component the usage history tracks. The claim fails to define how the usage history is gathered. The usage may refer to use of the method, use of feedback, or use of the presentations. Claims 2-9 and 11-30 inherit one or more of the above deficiencies through their dependencies and are rejected for the same reasons.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/44766, to Agent Based Curricula, INC., herein after the '766 publication. The '766 publication teaches a method and system for the presentation of educational content including the steps of and logic for: presenting a pre-test that includes at least one question regarding a personality profile (student model data) of a student before generating the presentation; determining the personality profile of the student from at least one answer in response to the at least one question; configuring the presentation based on the personality profile of the student before generating the presentation (page 105: 6-35, where initialization is discussed); integrating information in the presentation that motivates accomplishment of a training goal tailored to the personality profile of the student (page 100: 1-20); monitoring the progress toward the training goal and providing feedback that further motivates accomplishment of the training goal tailored to the personality profile of the student (page 100: 24-30), as in **claims 1 and 10**. The personality profile of the student includes a learning need of the student (**claims 2 and 11**), as is shown in the description of the standards and objective on page 100, line 27. Providing praise to the student if the personality profile of the student is indicative of praise (**claims 3 and 12**) is shown on page 23, lines 24-26. Having a student repeat an exercise if the personality profile of the student is indicative of problems (**claims 4 and 13**) is shown on page 20, line 11. Utilizing a selected portion of the personality profile of the student to feed back work of the student to the student (**claims 5 and 14**) is shown in Figure 4. Regarding **claims 6 and 15**, the step of determining the personality profile being performed by comparing answers to pre-stored answers indicative of known personality profiles is the inherent functionality of the above-mentioned tests. Feedback being presented based upon a number of times the personality profile of the student matches a particular personality profile (**claims 7 and 16**) is shown on page 57 lines 5-10. The profile of the student being determined based upon interaction with an agent (**claims 8 and 17**) is shown

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in Figure 1, element 118 and discussed throughout the specification. The environment is described as a corporate simulation, which is by definition a business scenario, as in **claims 9 and 18**, see page 14, lines 28-35. Configuring a navigation interface to indicate a training need of the student (**claims 19 and 25**) is shown in section 5.6.2, which begins on page 106. Regarding **claims 20-22 and 26-28**, the features of determining a student's proficiency, altering the presentation either by providing additional tasks (remediation) or removing tasks are shown on page 20, lines 7-14. Storing performance data regarding the student actions and feedback presented to the student (**claims 23 and 29**) and analyzing this data (**claims 24 and 30**) is shown on page 101, line 33 – page 102 line 9.

Regarding the features added to claims 1 and 10 by the amendment dated 07/12/2005, the '776 publication further teaches: evaluating work of the student by training concept, the training concepts being organized in a hierarchy (p. 106, 32 – p. 107, 6 and p. 113, 1-7); selecting pieces of feedback based on the hierarchy (p. 113, 8-34) and usage history (p. 100, 34 – p. 101, 8); and assembling and delivering the feedback to the student (p. 109, 29 – p. 111, 17).

Response to Arguments

4. The previous rejection of claims 1-9 under 35 USC §101 has been withdrawn in view of the amendments made in the response.
5. Applicant's arguments filed 07/12/2005 have been fully considered but they are not persuasive. Applicant's arguments against the '776 publication are directed to the newly added features and generally allege that these features are not present in the reference. The examiner has specifically pointed to sections of the specification where each of the newly added limitations is taught by the reference in the above rejection.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly,

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THIS ACTION IS MADE FINAL even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Mosser whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kathleen Mosser
Patent Examiner
Art Unit 3713

August 17, 2005